

Remarks/Arguments:

Favorable reconsideration of this application in view of the present amendment and in light of the following discussions is respectfully requested.

Applicant hereby elects to prosecute the invention of Species I as shown in Figure 1, Claims 1-16 and 18. Claim 17 has been withdrawn.

Claims 1-18 are currently pending in the application. Claims 2, 3, 4, 5, 13 and 18 are currently unchanged, Claims 1, 7, 8, 9, 10, 11, 12, and 16 are currently amended, Claims 6, 14, and 15 are cancelled, and Claim 17 is withdrawn. The changes to the claims are supported by the originally filed specification and do not introduce any new matter.

In the outstanding Office Action, (1) the lack of election of species was objected to; (3) the disclosure was objected to; (4) the drawings were objected to as failing to list reference 30; (6) Claims 1-4 were rejected under 35 U.S.C. 102(b) as being anticipated by Zepnik (U.S. 5,622,382) (hereinafter "Zepnik '382"); (7) Claims 1, 2, 6, 7, 10, and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-115662 (hereinafter "JP '662"); (8) Claims 1-3 and 6-9 were rejected under 35 U.S.C. 102(e) as being anticipated by Just (U.S. 6,443,517) (hereinafter "Just '517"); (10) Claims 8, 9, 11, 12, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP '662 in view of Notestine (Re. 28,876) (hereinafter "Notestine '876"); (11) Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Zepnik '382 in view of Hobrecht

(4,900,058) (hereinafter "Hobrecht '058"); (12) Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over JP '662 in view of Hobrecht '058.

With respect to the election of species, applicant has chosen Species I (Figure 1), thus the objection has been overcome.

With respect to the objection to the specification, the informalities have been corrected by adding the description of the saddle and support leg as being attached to the floor. Thus this objection has been overcome.

With respect to the objection to the drawings, a replacement sheet has been furnished which includes the reference numbers 30 and 42. In addition, reference to the vehicle floor and the driveline tunnel sides have been added. Thus this objection has been overcome.

With respect to the rejection of Claims 1-4 under 35U.S.C 102(b) as being anticipated by Zepnik '382, the cited patent discloses a single hoop rollbar with decorative double hoops attached to the single bar in the middle. The extremities of the inner legs of the double hoops are *not* supported adjacent to the vehicle body, but are instead attached to the single hoop structure, which then attaches to the vehicle body adjacent to the *outer* legs of the double hoop. The cited patent does not disclose or show the extremities of the inner legs of the double hoops being supported adjacent to the vehicle body, and thus does not take advantage of the additional strength gained by this support in the center of the vehicle. The cited design would be far weaker than the applicant design in a rollover, due to only being supported at the outside of the vehicle.

This feature of supporting the inner legs of the double hoops adjacent to the vehicle body is a significant and unappreciated advantage, which was not foreseen by Zepnik '382.

Thus, applicant respectfully submits that claim 1 and its dependent claims 2 –4 are patentable over the Zepnik '382 patent.

With respect to the rejection of Claims 1,2,6,7,10, and 14 under 35 U.S.C 102(b) as being anticipated by JP '662, the cited patent teaches a double hoop rollbar where the outside legs and joining member both attach to the outside of the vehicle. The support legs (13) shown in JP '662 are shown to attach to the top of the tunnel section, and thus offer no lateral support in the case of a vehicle rollover. In the cited design, the lateral strength is attained by attaching the joining member to the sides of the vehicle body. JP '662 does not anticipate the positioning of the support legs or saddle on the sides of the tunnel, or to the floor adjacent to the tunnel, as proposed by the applicant. The positioning of the support legs immediately adjacent to the sides of the tunnel and/or the floor substantially improves the stability of the structure and increases the lateral strength in the event of a rollover, without the use of a full width joining member. The additional support of having the support legs positioned on the sides of the driveshaft tunnel is a significant and unappreciated advantage which was not foreseen by JP '662.

Claim 1 has been amended and now recites that the support leg and further support leg are adjacent and approximately parallel to the first and second sides of the driveshaft tunnel.

Claim 2 is currently unchanged, but depends on the modified claim 1.

Claims 6 and 14 are cancelled.

Claim 7 and 10 are currently amended to depend on the modified claim 1.

Thus, applicant respectfully submits that amended claim 1 and its dependent claims 2, 7, and 10, are patentable over the cited JP '662 patent.

With respect to the rejection of Claims 1-3 and 6-9 under 35 U.S.C. 102(e) as being anticipated by Just '517, the cited patent teaches double hoops with a joining member between the inner legs, but does not disclose support legs disposed on the sides of the driveshaft tunnel. The subject matter regarding the position of the support legs is not disclosed in Just '517, as the attaching points or specific advantages of various attaching points on the vehicle are neither described or specified. Applicant's Claim 1 has been amended to include the support legs being located adjacent and approximately parallel to a first and second side respectively of the driveshaft tunnel. The position of the support legs adjacent to the sides of the driveshaft tunnel is a significant and unappreciated advantage which was not foreseen by Just '517. Claims 2, 3, 7, 8, and 9 depend on amended Claim 1. Claim 6 is cancelled. Thus, the applicant respectfully submits that claim 1, 2, 3, 7, 8, and 9 are patentable over the cited Just '517 patent.

With respect to the rejection of Claims 8,9,11,12, and 15 as being anticipated by JP '662 in view of Notestine '876, the cited JP '662 patent teaches a double hoop rollbar where the outside legs and joining member both attach to the outside of the vehicle. The support legs (13) shown in JP '662 are shown to attach to the top of the tunnel section, and thus offer no lateral support in the case of a vehicle rollover. In the cited Notestine '876 patent, the single hoop rollbar is shown to be removably attached to the vehicle at

the outer edges of the vehicle. Amended claims 8 and 9 have the limitation of the support legs being attached to the vehicle immediately adjacent to the sides of the driveline tunnel. The subject matter defined in these claims is not disclosed in JP '662 in view of Notestine '876, as the attaching of the inner hoop legs to the vehicle is not discussed, and the advantages of various attaching points on the vehicle are neither described or specified. Amended claims 11 and 12 have the limitation of the saddle being attached to the vehicle immediately adjacent to the sides of the driveline tunnel. The subject matter defined in these claims is not disclosed in JP '662 in view of Notestine '876, as the saddle arrangement is not discussed, and the advantages of various attaching points on the vehicle are neither described nor specified. Claim 15 is cancelled. Thus, the applicant respectfully submits that claims 8, 9, 11, and 12 are patentable over the cited JP '662 patent in view of Notestine '876.

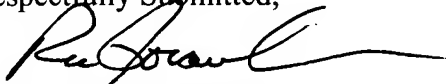
With respect to the rejection of Claim 5 under 35 U.S.C 103(a) as being anticipated by Zepnik '382 in view of Holbrecht '058, the cited Zepnik '382 patent discloses a first frame part (20) which supports the hoops, and second frame part (25) which supports the first frame part (20). The first frame part can be considered to be a joining member, because it extends between said inner leg and said further inner leg of the double hoops, however, the second frame part (25) does not extend between the inner legs of the hoops, and therefore is not a joining member. Therefore, Zepnik '382 does not disclose a pair of joining members. Thus, the applicant respectfully submits that claim 5 is patentable over the cited Zepnik '382 patent in view of Holbrecht '058.

With respect to the rejection of Claim 13 as being unpatentable over JP '662 in view of Holbrecht '058, the cited JP '662 patent teaches a double hoop rollbar where the outside legs and joining member both attach to the outside of the vehicle. Holbrecht '058 teaches removably attached portions. The claims of Holbrecht '058 do not refer to or disclose a saddle, and in fact the reference 30 is more accurately described as a hoop brace rather than a saddle. Applicant's claim 13, which is dependent on claim 10, describes the support legs of the saddle as being disposed adjacent to the driveshaft tunnel of the vehicle, which is a significant and unappreciated advantage which was not foreseen by the cited JP '662 in view of Holbrecht '058 references. Thus the applicant respectfully submits that claim 13 is patentable over the cited JP '662 patent in view of Holbrecht '058.

With respect to Allowable Subject Matter, Claim 16 has been rewritten in independent form including all the subject matter of the base claim and intervening claims 1, 14, and 16. Applicant requests that this claim be allowable as amended.

In conclusion, applicant requests allowance of the pending claims remaining in the application, including claims 1-5, 7-13, 16, and 18.

Respectfully Submitted,



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